

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BENNY EARL YAUGER, JR.,

Petitioner,

v.

Case No. 24-CV-02394-SPM

DANIEL SPROUL,

Respondent.

MEMORANDUM AND ORDER

McGLYNN, District Judge:

Petitioner Benny Earl Yauger, Jr., an inmate currently incarcerated at the United States Penitentiary in Marion, Illinois, brings the instant Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). The case is now before the Court for a preliminary review of the Petition pursuant to Rule 4 of the Rules Governing Section 2254 cases in the United States District Courts. Rule 1(b) gives this Court the authority to apply these Rules to other habeas corpus cases.

On March 31, 2021, Yauger pleaded guilty to one count of unlawful transportation of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1).

See Yauger v. United States, 20-cr-00305-LSC-SGC-1 (N.D. Ala. 2021) (Doc. 1). The U.S. District Court for the Northern District of Alabama sentenced him to ninety (90) months imprisonment on August 27, 2021. *See id.* (Doc. 21). He appealed to the U.S. Court of Appeals for the Eleventh Circuit, which affirmed his conviction. *See United States v. Yauger*, No. 21-13099, 2022 WL 17244632 (11th Cir. Nov. 28, 2022). His release date is July 15, 2026. *See Find an inmate.*, FED. BUREAU OF PRISONS,

<https://www.bop.gov/inmateloc/> [<https://perma.cc/7CKY-Z5UZ>] (last visited Jan. 21, 2025) (search for Inmate Locator No. 10509-509).

In the instant Petition, Yauger argues that he has earned 420 First Step Act time credits that have not been applied to his sentence. (*See Doc. 1, p. 6*). He indicates that he has appealed this issue to Warden Daniel Sproul at USP Marion, to the North Central Regional Office of the Bureau of Prisons, and to the Bureau of Prisons Central Office in Washington, D.C. (*See id.*, pp. 2–3).

Yauger thus raises one issue: whether or not his First Step Act time credits were appropriately applied to his current sentence of imprisonment. (*See id.*). Without commenting on the merits of the claim, the Court concludes that the Petition survives preliminary review under Rule 4. Given the limited record, it is not plainly apparent that Yauger is not entitled to habeas relief.

DISPOSITION

IT IS HEREBY ORDERED that Respondent Daniel Sproul shall answer or otherwise plead on or before February 20, 2025. This preliminary order to respond does not preclude the Government from raising any objection or defense it may wish to present. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service.

Yauger is **ADVISED** of his continuing obligation to keep the Clerk of Court (and opposing parties) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than fourteen (14) days after a transfer or other change in address occurs in accordance

with Local Rule 3.1(b)(2). Failure to provide such notice may result in dismissal of this case or other sanctions. *See id.*; FED. R. CIV. P. 41(b).

IT IS SO ORDERED.

DATED: January 21, 2025

s/ *Stephen P. McGlynn*
STEPHEN P. McGLYNN
U.S. District Judge